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This instrument was prepared by:

Name: Javier L. Vazquez, Esq.  
Address: Javier L. Vazquez, P.A.  
8061 NW 155<sup>th</sup> Street  
Miami Lakes, Fl. 33016

03R059731 2003 JAN 28 09:54

(Space reserved for Clerk of the Court)

**DECLARATION OF RESTRICTIONS**

**WHEREAS**, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida described in Exhibit "A," attached hereto, and hereafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B," and

**IN ORDER TO ASSURE** the County that representations made by the Owner during consideration of Public Hearing No.02-198 will be abided by the Owner freely, voluntarily and without duress, make the following Declaration of Restrictions covering and running with the property:

**1.) Departmental Impact Committee Thresholds**

In the event proposed development of the subject property meets or exceeds any thresholds which require Departmental Impact Committee review, then the approval process shall include Departmental Impact Committee review and recommendation.

**2.) Site Plan**

Owner agrees that prior to development, Owner shall apply for Administrative Site Plan Review with Miami-Dade County in order to assure compliance and compatibility with the surrounding uses and/or developments.

**County Inspection:**

As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

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20979PG0998

**Covenant Running With The Land:**

This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

**Term:**

This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, thereafter, unless an instrument executed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified released by Miami-Dade County.

**Modification, Amendment, Release:**

This declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Enforcement:**

Enforcement shall be by action against any parties or persons violating, or attempting to violate any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration, shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may



20979PG0999

adjudge to be reasonable for the service of his attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

**Authorization for Miami-Dade County to Withhold Permits and Inspections**

In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Elections of remedies:**

All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance**

Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the county, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of the Declaration.

**Severability**

Invalidation of any one of these covenants, by judgement of Court, shall not affect any of the other provisions which shall remain in full force and effect.

**Recording**

This Declaration shall be filed of record in the public records Miami-Dade County, Florida at the cost to the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the Application.

20979PG1000

Signed, sealed and acknowledged on this 20 day of NOV., 2002.

Witnesses:

[Signature]  
R.R. Espinoza  
 Print Name

Jessica Perez  
Jessica Perez  
 Print Name

Ferro Development, LLC, a Florida  
Limited Liability Company

[Signature]  
 Name: Mario Ferro, Jr.  
 Title: Managing Member

STATE OF FLORIDA    )  
                               ) SS:  
 COUNTY OF DADE     )

The foregoing instrument was acknowledged before me this 20 day of NOV.,  
 2001 by Mario Ferro, Jr., as Managing member of Ferro Development, LLC, a Florida  
 Limited Liability Company. He personally appeared before me, is personally known to  
 me or produced \_\_\_\_\_ as identification, and did not take an oath.

(NOTARIAL SEAL)



Notary: Jessica Perez  
 Print Name: \_\_\_\_\_

Notary Public, State of Florida

My commission expires: \_\_\_\_\_

20979PG1001

## Exhibit "A"

That portion of the East  $\frac{3}{4}$  of the Southwest  $\frac{1}{4}$ , less the West 989.93 feet and the South 880.00 feet thereof, of the Section 4, Township 54 South, Range 39 East, Miami- Dade County, Florida, which lies South of Tamiami Trail.



20979PG1002

**OPINION OF TITLE**

**TO: MIAMI-DADE COUNTY**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, Florida, as an inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restriction/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of Declaration of Restrictions affecting the real property hereinafter described. It is hereby certified that I have examined the Owner's Title Insurance Policy issued by Capitol Title Services, Inc., as agents for Attorneys' Title Insurance Fund, Inc., ("Owner's Policy") and an updated title search certified by Attorneys' Title Insurance Fund, Inc., ("Title Search") covering the period from beginning to November 8, 2002, at 11:00 P.M.; inclusive, of the following described real property:

**That portion of the East ¼ of the Southwest ¼, less the West 989.93 feet and the South 880.00 feet thereof, of Section 4, Township 54 South, Range 39 East, Miami-Dade County, Florida, which lies South of Tamiami Trail.**

Basing my opinion on the evidence described above, I am of the opinion that on the last mentioned date the fee simple title to the above-described real property was vested in:

**FERRO DEVELOPMENT, LLC, a Florida Limited Liability Company**

Subject to the following liens, encumbrances and other exceptions:

**RECORDED MORTGAGES**

1. None.

**RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS**

2. None

**GENERAL EXCEPTIONS**

3. All taxes for the year in which this Opinion is rendered, and subsequent years.
4. Rights or claims of persons other than the above owner who is in possession.

5. Easements or claims of easements not shown by the public records, boundary line disputes, overlaps, encroachments and any facts or matters not of record which would be disclosed by an accurate survey and inspections of the premises.
6. Any unrecorded labor, mechanics' or materialmen' liens.
7. Zoning and other restrictions imposed by governmental Authority.

#### SPECIAL EXCEPTIONS

8. Restrictions, conditions, reservations, easements and other matters contained on the Plat of Supplemental Map No. 1 of Lands of the Miami Everglade Land Co., Ltd., as recorded in Plat Book 3, at Page 129, of the Public Records of Miami Dade County, Florida.
9. Resolution No. 1216-87 recorded in Official Records Book 13485, at Page 1100, of the Public Records of Miami Dade County, Florida.
10. Resolution No. 1461-87 recorded in Official Records Book 13485, at Page 1111, of the Public Records of Miami Dade County, Florida.
11. Easements in favor of Elizabethtown Gas Company, contained in instrument recorded February 21, 1991, recorded in Official Records Book 14906, at Page 1117, of the Public Records of Miami Dade County, Florida.
12. Riparian and littoral rights are not insured.
13. Declaration of Restrictions, recorded April 5, 2002, in Official Records Book 20315, at Page 3783, of the Public Records of Miami Dade County, Florida.
14. Declaration of Restrictions, recorded July 23, 2002, in Official Records Book 20546, at Page 1452, of the Public Records of Miami Dade County, Florida.
15. Resolution No. R-1109-02 recorded November 6, 2002, in Official Records Book 20782, at Page 2930, of the Public Records of Miami Dade County, Florida.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.